

S.B.Civil Writ Petition No.2217/2003

Rukma vs State of Rajasthan & Ors.

DATE OF ORDER : 28.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Ashwini Swami, for the petitioner.
Mr. Shyam Ladreacha, Addl.GA, for the respondent.

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Heard learned counsel for the parties.

The petitioner has challenged the order dated 22.1.2002 by which the petitioner's seat was declared vacant after holding that the petitioner remained absent in the three consecutive meeting of the Panchayat. The said order was passed by Sarpanch of the Gram Panchayat, Sadasar, Panchayat Samiti Sardar Shahr, District Churu.

According to learned counsel for the petitioner the order dated 22.1.2002 passed by the Sarpanch is absolutely illegal, without jurisdiction and void as the order to declare the seat vacant can be passed only by the State government after following the procedure as provided under Rule 24 of the Rajasthan Panchayati Raj Rules, 1996.

Admittedly, the procedure as provided under Rule 24 of the Rules of 1996 has not been followed and the Sarpanch of the Gram Panchayat himself declared the petitioner disqualified and also declared the post vacant. The order is per-se without jurisdiction, therefore, the writ petition deserves to be allowed.

Therefore, the writ petition of the petitioner is allowed and the order dated 22.1.2002 passed by the Sarpanch of Gram Panchayat, Sadasar, Panchayat Samiti Sardar Shaha District Churu is quashed and set aside.

(Prakash Tatia), J.